

1 SADMIRA RAMIC, ESQ.
Nevada Bar No.: 15984
2 CHRISTOPHER M. PETERSON, ESQ.
Nevada Bar No.: 13932
3 SOPHIA A. ROMERO, ESQ.
Nevada Bar No.: 12446
4 JACOB SMITH, ESQ.
Nevada Bar No.: 16324
5 **AMERICAN CIVIL LIBERTIES**
6 **UNION OF NEVADA**
4362 W. Cheyenne Ave.
7 North Las Vegas, Nevada 89032
Telephone: (702) 366-1226
8 Facsimile: (702) 830-9205
Email: ramic@aclunv.org
9 *Attorneys for Plaintiff*

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11 **UNITED STATES DISTRICT COURT**

12 **DISCTRICT COURT OF NEVADA**

13 DAWNYELL FLYNN an individual,

14 Plaintiffs,

15 vs.

16 STATE OF NEVADA ex rel. NEVADA
DEPARTMENT OF CORRECTIONS, a public
17 entity of the State of Nevada; DONALD BURSE,
an individual; CHARLES DANIELS, director, in
18 his official capacity; and Doe Nevada Department
of Corrections Employees 1 – 10, in their
19 individual and official capacity,

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21 Defendant(s).

Case No.: 2:22-cv-01753-JAD-NJK

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE A
DISCOVERY PLAN
(Fourth Request)**

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STIPULATION
(FOURTH REQUEST)

Pursuant to Local Rules IA 6-1, 6-2, and 7-1, it is hereby stipulated and agreed by and among Defendants, Nevada Department of Corrections (NDOC) and Charles Daniels, and Plaintiff, Dawnyell Flynn, as follows:

1. Defendants, NDOC and Charles Daniels, removed this action from state court to federal court on October 19, 2022. *See* ECF No. 1.

2. Though served, Defendant Donald Burse has not made an appearance.

3. Defendants NDOC and Charles Daniels filed a Motion to Dismiss on December 30, 2022. *See* ECF No. 7.

4. Plaintiff Flynn filed her response to Defendant's Motion to Dismiss on March 27, 2023.

5. Defendants NDOC and Charles Daniels filed their reply in support of their Motion to Dismiss on April 10, 2023.

6. Throughout the briefing related to Defendants' Motion to Dismiss, Plaintiff's counsel has been in communication with Defendants about potential settlement.

7. Defendants extended proposed settlement terms to Plaintiff on March 22, 2023.

8. On April 13, 2023, parties met to discuss Defendants' proposed settlement terms, and Plaintiff's potential counterproposals.

9. After evaluating the respective opposition's position, both parties have a good faith belief that a settlement is possible in this matter.

10. As Plaintiff Flynn is incarcerated, Plaintiff's counsel will need more time than is typical to communicate settlement terms with her and finalize any details related to settlement.

11. To provide sufficient time to finalize negotiations, the parties seek to extend the current deadline for parties' discovery plan sixty (60) days to **June 12, 2023**.

1 12. This is the parties' fourth request for an extension of a deadline in this case. It is
2 the third request to extend the discovery plan deadline.

3 13. The requested extension is not intended to cause any delay or to prejudice any party.

4 **AMERICAN CIVIL LIBERTIES**
5 **UNION OF NEVADA**

6 By: /s/ Jacob Smith
7 CHRISTOPHER PETERSON (13932)
8 JACOB SMITH (16324)
9 4362 W. Cheyenne Ave.
10 North Las Vegas, NV 89032
11 Attorney for Plaintiff

OFFICE OF THE ATTORNEY
 GENERAL

By: /s/ Chris Davis
 CRAIG A. NEWBY (8591)
 CHRIS DAVIS (6616)
 555 E. Washington Ave., Ste. 3900
 Las Vegas, Nevada 89101
 Attorney for NDOC and Charles Daniel

10 **ORDER**

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12 IT IS SO ORDERED.

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15 NANCY J. KOPPE
16 UNITED STATES MAGISTRATE JUDGE

17 DATED: April 20, 2023
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